

ITEM:

SUBJECT: Information Item: Conditional Waiver of Waste Discharge Requirements For Discharges From Irrigated Lands Within The Central Valley Region

BOARD ACTION: No action required by Board; information item only.

BACKGROUND: Staff will provide an information report on the following items related to the Conditional Waivers:

Sample General Waste Discharge Requirements: The Regional Board expressed a desire to see a sample of what General Waste Discharge Requirements. A sample version is provided for discussion purposes.

Fees: A discussion of possible fee strategies relating to the sample General Waste Discharge Requirements and the Conditional Waiver.

Enforcement Strategy: Considerations for developing a strategy to address those dischargers who do not opt to gain coverage under the Water Code for their discharges of waste from irrigated lands.

Phase I and II Monitoring Activities: A status report on Phase I monitoring and Phase II contracting will be presented.

Environmental Impact Report: A status report on the contracting process will be given.

Notices of Intent: The current status of NOIs submitted by Coalition Groups and individuals will be reviewed.

Litigation Activities: Discussion of the lawsuit filed against the Regional Board and the State Board regarding the Waivers and CEQA.

A more detailed discussion of these subjects is presented in the attached Information Report.

Mgmt. Review _____

Legal Review _____

March 18/19, 2004

11020 Sun Center Drive #200, Rancho Cordova

STAFF REPORT
INFORMATIONAL ITEM
FOR
DISCHARGES FROM IRRIGATED LANDS

18/19 March 2004

1. INTRODUCTION

At the July 10/11 2004 meeting, the Central Valley Regional Water Quality Control Board (Regional Board) directed staff to present an example (draft) of General Waste Discharge Requirements, describe an implementation strategy and advise the Regional Board on possible funding strategies for the implementation of the Irrigated Lands Program.

This Information Report provides the Regional Board and interested parties a review of sample General Waste Discharge Requirements for a subcategory of irrigated lands (i.e. dormant sprays, storm water discharges only, vineyards, etc.), a historical chronology of the program, and a discussion of the following topics: fee strategies and implementation, enforcement strategy for the Irrigated Lands Program, 1 April 2004 deadline, Notices of Intent, Phase I and II monitoring contracts, Environmental Impact Report (EIR) and recent litigation action against the Regional Board and the State Water Resources Control Board (State Board) regarding the Irrigated Lands Conditional Waivers.

2. BACKGROUND

On 11 July 2003, the Regional Board adopted two Conditional Waivers of Waste Discharge Requirements for Discharges from Irrigated Lands. Prior to the adoption of the Conditional Waivers, the Regional Board had held several workshops, Regional Board meetings and hearings with interested parties. A historical chronology of the Irrigated Lands Program is presented in **Attachment I** of this Information Report.

3. COMPARISON BETWEEN THE GENERAL ORDER AND JULY 2003 WAIVER

California Water Code (CWC) section 13263(i) authorizes the Regional Board to prescribe General Waste Discharge Requirements (General Orders) for a category of discharges if the Regional Board determines that all of the following criteria apply to the discharges in that category:

- a. The discharges are produced by the same or similar operations.
- b. The discharges involve the same or similar types or waste.
- c. The discharges require the same or similar treatment standards.
- d. The discharges are more appropriately regulated under general discharge requirements than individual discharge requirements.

It may be appropriate to adopt a General Order for a subcategory of irrigated lands discharges because discharges within the subcategory have the same or similar waste (i.e. pesticides, sediments, metals, minerals, nutrients) in the same or similar operations (use surface or ground water to irrigate

crops) and use the same or similar treatment methods (i.e., irrigation water source control, reduced pesticide use, tailwater recovery and holding times, cover crops, and other similar management practices). Some examples of subcategories might include: dormant spray users, irrigated land storm water only discharges, vineyards rice and nurseries.

There are few differences between the Sample General Order and the Conditional Waivers. The differences are summarized below.

Discharger Enrollment

July 2003 Waiver: The Discharger has the option of participating in a Coalition Group and receiving coverage under the Waiver for Coalition Groups, or file a Notice of Intent (NOI) for coverage under the Individual Waiver.

General Order: Each Discharger who elects coverage under the General Order will have to submit a NOI and appropriate fee (see discussion below) to the Regional Board. A Coalition Group would not be able to file on behalf of a group of dischargers for coverage in the General Order.

Fees

July 2003 Waiver: No fees. However, Senate Bill (SB) 923 was signed into law and went to effect on 1 January 2004. SB 923 amended CWC section 13269, which now authorizes the State Board or a Regional Board to include, if they choose, as a condition of a waiver the payment of an annual fee. A fee schedule for waivers of waste discharge requirements has not been developed by State Board.

General Order: The CWC requires annual fees for waste discharge requirements. According to the existing fee schedule, the fee for a General Order is based on the Threat To Water Quality (TTWQ) and Complexity (CPLX) rating as outlined in the fee schedule listed in California Code of Regulations (CCR), title 23, section 2200. For example, if the General Order was developed for a subcategory of irrigated lands that was considered to have a TTWQ of 3 and a CPLX of C the corresponding annual fee would be \$800 per Discharger. The first fee would be considered as the filing fee.

For descriptive purposes the TTWQ and CPLX of 3-C is as follows:

TTWQ Category "3" – Those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2.

CPLX Category "C" - Any discharge for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included as a Category "A" or Category "B" as described above. Included would be discharges having no waste treatment systems or that must comply with best management practices, discharges having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

At this time, the State Board has not adopted a fee schedule specifically addressing agricultural discharges. However, the discharge to land fee schedule would apply to discharges from irrigated lands. Therefore, the mechanism for identifying fees for this type of discharge is through the determination of threat and complexity. The fees for land discharge WDRs range from \$800 for the 3-C to \$38,000 for a 1-A, annually. It should be noted that a General Order annual fee must be the same for all dischargers enrolled under the General Order. Therefore, if the Regional Board adopted a General Order for a specific subcategory of irrigated lands dischargers, each discharger would be required to pay the same annual fee. See Section "Fees for General Order(s)" on page 12 for further discussion of fees for General Orders.

Monitoring

July 2003 Waiver: The Discharger may participate in a Coalition Group for coverage under the Coalition Group Waiver and allow the group to perform monitoring on their behalf. Or, the Discharge may submit a NOI for coverage under the individual Conditional Waiver, conduct monitoring and submit individual technical monitoring reports pursuant to the compliance dates set by the Regional Board.

General Order: Even though dischargers have to individually enroll for coverage under the General Order, the sample General Order would require dischargers to conduct individual farm level monitoring and/or provide the option to participate in an approved Coalition Group MRP.

California Environmental Quality Act (CEQA)

July 2003 Waiver: The Regional Board adopted a negative declaration.

General Order: To consider the adoption of a General Order, the requirements of CEQA must be met. This requires that a CEQA document be prepared and circulated for public review and comment. After the final CEQA determination is made, the Regional Board would consider the document for approval. This approval must occur prior to the consideration and adoption of the General Order. .

Individual Farm Water Quality Plan (Plan)

July 2003 Waiver: Not Required

General Order: To assure compliance with Basin Plan standards, the sample General Order would require each individual enrolled under the General Order to prepare an individual farm water quality plan and submit a letter certifying that they have prepared a Plan. One option is to have the plan remain on site and provided to the Regional Board and others, such as the Department of Pesticide Regulation and/or the County Agricultural Commissioner, upon request.

Pesticide Implementation Program (Basin Plan)

July 2003 Waiver: Not included

General Order: The sample General Order provides for a more detailed farm specific plan based on monitoring results. For example, if monitoring indicates that existing practices are resulting in wastes (i.e. pesticides, nutrients, sediment, salt, etc.) being discharged in such a manner that are creating violations of water quality objectives, then pursuant to CWC section 13267, the Executive Officer may require that the Discharger submit a technical report called a Management Plan. The Management Plan shall outline what management practices will be implemented to ensure that water quality objectives are being met. The sample General Order uses the Pesticide Implementation Program time schedule outlined in the Regional Board's Basin Plan for the Sacramento and San Joaquin River Basins for implementing a compliance schedule to resolve violations of water quality objectives.

4. GENERAL ORDER IMPLEMENTATION STRATEGY

There are more than 25,000 dischargers within the Central Valley Region. For dischargers to have regulatory coverage for their discharges to surface waters from irrigated lands they would have to enroll under the existing conditional waivers, under this a General Order, or obtain individual WDRs. One of these actions would be necessary for these dischargers to comply with the CWC.

Implementing a program to enroll more than 25,000 dischargers in any one of these regulatory processes will require an increase in Regional Board staff. The FY03/04 budget provides 6.0 PYs, with funding resources from the Waste Discharge Permit Fund (WDPF). There was a \$28,000 reduction in program resources in the current FY03/04 budget. There is no certainty as to the resources for FY04/05, but it is anticipated that funding from the WDPF will remain at a similar level for the Irrigated Lands Program.

No additional resources are available in the Irrigated Lands Program or other Regional Board programs to implement a General Order for irrigated lands type discharges without additional resources or a reprioritization of existing Regional Board program(s) workloads. If resources are provided or identified, the following General Order implementation strategy steps may be one alternative for developing and using a General Order to regulate a subcategory of irrigated land discharges.

Implementation Strategy Steps

1. Identify one or more subcategories of dischargers that: produce agricultural products by the same or similar operations, discharge the same or similar waste(s), require the same or similar discharge treatment standards and determine which discharges are more appropriately regulated under general WDRs than individual WDRs or a conditional waiver.

2. Identify level of participation in the Irrigated Lands Conditional Waiver Program and associated Monitoring and Reporting Programs.
3. Identify threat or impact to water quality from identified subcategory and terms, conditions, discharge specifications, and provisions necessary to protect water quality.
4. Develop necessary CEQA documents for public review and comment.
5. Develop tentative subcategory General Order and MRP requirements for public review and comment.
6. Notice to subcategory dischargers. This will require the Regional Board to work with various agencies to identify specific subcategory dischargers. Outreach to provide notice and an opportunity for the dischargers to become informed and provide input on the proposed action.
7. Regional Board consideration of the CEQA document, tentative General Order and Monitoring and Reporting Program.
8. Notice of adopted General Order to subcategory dischargers and deadline for enrolling.
9. Processing of General Order enrollment NOIs and NOAs.
10. Coordination with Coalition Groups on monitoring and reporting.
11. Follow up with dischargers not participating in the General Order.
12. Enforcement action(s), as necessary, to complete enrollment process.
13. Inspections and monitoring of discharges to validate coverage under General Order.

It has been estimated that an additional 5 to 10 staff would be required to implement a General Order for a subcategory of dischargers. This estimate varies for various reasons including: the number of dischargers in the subcategory, type of waste discharges, number and location of discharges and threat to water quality. Also, the implementation costs go up if an EIR is required instead of a negative declaration to comply with CEQA. Once the CEQA document and General Order are adopted and the majority of the dischargers are enrolled, program costs should decrease. At that time resources would be needed to maintain the General Order.

If the Regional Board wanted to consider additional General Orders for other subcategories of dischargers, additional staff would be required.

5. PROPOSED FEE STRATEGIES

Waiver

On 10 October 2003, former Governor Gray Davis approved Senate Bill 923, which in part, authorizes the State and Regional to assess and collect annual fees for waivers to cover the cost of implementing the waivers. SB 923 is not specific to agricultural discharge waivers, but addresses resource needs for any waiver program the State and Regional Boards may implement. SB 923 includes the following:

- Authorizes the State Board or a Regional Board to waive those waste discharge requirements if certain requirements are met.
- Requires the conditions of the waivers to include, with certain exceptions, the performance of individual, group, or watershed-based monitoring duties.

- Authorizes the State Board or a Regional Board to include as a condition of the waiver the payment of an annual fee and require the funds generated by the payment of the fee be deposited in the Water Discharge Permit Fund for expenditure, upon appropriation, by the state board or the appropriate regional board to establish and implement the waiver program.
- Requires the State Board or Regional Board to provide notice regarding the adoption of a waiver.

With respect to fees for irrigated agriculture, CWC section 13269 has been amended. Section 13269 (a)(4)(C) states the following:

In establishing the amount of a fee that may be imposed on irrigated agriculture operations pursuant to this section, the state board shall consider relevant factors, including, but not limited to, all of the following:

(i) The size of the operations.

(ii) Any compliance costs borne by the operations pursuant to state and federal water quality regulations.

(iii) Any costs associated with water quality monitoring performed or funded by the operations.

(iv) Participation in a watershed management program approved by the applicable regional water quality control board.

Fees for Conditional Waivers (General)

In order for the Regional Board to collect fees for those enrolled under any conditional waiver, the State Board first must adopt a fee schedule pursuant to SB923. At this time it does not appear that the State Board will consider a fee schedule for conditional waivers. If a fee schedule is adopted by the State Board, the Regional Board could consider the payment of an annual fee as a condition of any waiver.

Fees for Conditional Waivers (Irrigated Lands)

Presently, fees are not assessed under the existing Irrigated Lands Conditional Waivers. The payment of an annual fee cannot be included as a condition in the Irrigated Lands Conditional Waivers. As stated above, State Board would have to adopt a waiver fee schedule. Staff assumes that if State Board developed a waiver fee schedule, they would address the requirements of CWC section 13269(a)(4)(C). This would allow the Regional Board to consider the payment of annual fees to support the Irrigated Lands Program in the future. Fees are needed to ensure that the program is effective in protecting water quality while providing a more cost effective way for growers to comply with the CWC. Based on use of a modified Waste Discharge to Land Program unit cost factor worksheet, an additional 24 staff are needed to implement the program as adopted.

Fee for General Order(s)

CCR, title 23, section 2200 authorizes the Board to require the Discharger to submit a filing fee to the Regional Board. Discharges from irrigated lands regulated under a General Order would be based on a threat and complexity, pursuant CCR, title 23, section 2200(a)(1)(A). Dischargers would be required to submit a filing fee with each NOI submitted to the Regional Board under the terms and conditions of the General Order.

As stated above, a General Order annual fee must be the same for all dischargers enrolled under the General Order. Therefore, if the Regional Board adopted a General Order for a specific subcategory of irrigated lands dischargers, each discharger would be required to pay the same annual fee.

In 2002, the State Board adopted a new fee schedule. That schedule contains fee descriptions for various types of discharges. This fee schedule contains categories for the discharge of waste to land, for storm water permits and for NPDES permits. Fees that would be imposed for an Irrigated Lands subcategory General Order would fall under the discharge of waste to land category for non-Title 27 discharges. The annual fees for land discharge waste discharge requirements range from \$800 for the 3-C to \$38,000 for a 1-A. The fee schedule can be found on the State Board website at: <http://www.swrcb.ca.gov/docs/resolution03-0064attachb.doc>

A fee for an Irrigated Lands subcategory General Order can be assessed under the existing fee schedule. However, staff would support the development and adoption of the fee schedule that addresses specific issues related to the agricultural regulatory setting. These issues may include, but not be limited to, farm size, crop type, water source and discharge locations, pesticide and nutrient use, participation in watershed monitoring activities and farm level water quality protection programs.

6. ENFORCEMENT STRATEGY

Agricultural representatives, environmental interests and Regional Board members have asked about the strategy or approach staff is considering for addressing the dischargers that do not opt to operate under the conditional waivers or file for WDRs. As efforts continue by the Regional Board, Coalition Groups, County Agricultural Commissioners, Resource Conservation Districts, water and irrigation districts, and others to inform growers of the Irrigated Lands Waiver Program and the three options they have for obtaining regulatory coverage for discharges of waste to surface water, and Coalition Groups work to sign up growers, it is becoming increasingly apparent that the program strategy for addressing illegal irrigated lands discharges needs to be further developed by staff and articulated to the regulated community. Coalition Group representatives and others in the agricultural industry are asking for more information on the Regional Board's enforcement strategy for the program. It would certainly be inequitable to focus all attention on dischargers that have stepped up to comply with the law and address water quality issues (by applying for coverage under one of the waivers or filing a ROWD and complying with conditions and requirements) and ask nothing of those discharging waste illegally. Failure to fully develop and implement an enforcement strategy for the program could also seriously undermine the efforts of the Coalition Groups and would be unfair to individuals who have enrolled.

Some categories of dischargers the enforcement strategy may need to address includes:¹

- Dischargers that are still unaware of their responsibilities under the CWC and the three options available to them to obtain regulatory coverage for their waste discharges (i.e., Coalition Group Conditional Waiver, Individual Conditional Waiver, WDRs),
- Dischargers that are aware of their legal responsibilities and the three options for obtaining regulatory coverage, but do not seek regulatory coverage because they sincerely, but mistakenly, believe they are not dischargers, and
- Dischargers that are aware of their legal responsibilities and the three options for obtaining regulatory coverage, but do not seek regulatory coverage because they are waiting to see how the program develops and/or they do not feel it is necessary to participate because others will be working on the water quality problems in their area.

In developing a strategy, the analysis will need to include not just these categories of dischargers, but also address regional issues. Approaches for working with illegal discharges may need to be different for areas that are covered by a Coalition Group versus areas within the Region where viable Coalition Groups efforts have not developed.

Staff has started and will need to complete the compilation and evaluation of data on the environmental setting in the Sacramento, San Joaquin and Tulare Lake Basins relative to irrigated lands. This information should include, but is not limited to:

- Pesticide use patterns by county,
- Documented water quality impairments by water body,
- Information on crop specific acreage distribution by county,
- Farming patterns by county (e.g., farm size, irrigation methods, production practices, etc.).

Using this information, staff will need to refine program enforcement priorities. Factors considered in setting priorities include, but are not limited to:

- Clean Water Act section 303(d) listings and TMDL priorities,
- The Bay Protection and Toxic Hot Spots Cleanup Program,
- Priorities identified in the Central Valley Regional Board's chapter of the Watershed Management Initiative,
- Temporal and spatial extent, and severity, of beneficial use impairments,

¹ The categories listed each have an "intent" component. It must be noted that under CWC §§ 13260 and 13261, there is no intent component, and the Regional Board need not prove intent to assess civil liability - if you discharge, or propose to discharge, waste that can affect the quality of the waters of the state, you must to file a ROWD or operate under an applicable Waiver; and if you fail to submit a ROWD after one is requested by the Regional Board, administrative civil liability can be imposed against you. The purpose in describing the categories is that the Regional Board may want to consider given factors in the exercise of its enforcement authority.

- Counties or areas with the greatest pesticide use,
- Areas with lower use of high efficiency irrigation,
- High volume and high risk discharges,
- Relative threat to water quality from the different types of irrigated lands operations, and
- Whether the area is covered by an active Coalition Group.

Staff will also consider factors related to how effective the Regional Board, Coalition Groups and other agricultural interests have been with public education and outreach. See Section 7 for more detailed discussion on outreach.

With the limited resources currently available, an efficient strategy to identify and address illegal discharges needs to be finalized. Further, this strategy should be consistent with the State Water Resources Control Board Water Quality Enforcement Policy. This policy sets forth a progressive enforcement approach, which is an escalating series of actions to allow for the efficient and effective use of enforcement resources to:

- Assist cooperative dischargers in achieving compliance,
- Compel compliance for repeat violations and recalcitrant violators, and
- Provide a disincentive for noncompliance.²

The assignment of an additional 2 PYs (more may be needed at a later date) to the program would assist the Regional Board in establishing a greater presence in priority areas to conduct more intensive education and outreach, and to document and address illegal discharges.

Some of the informal and formal enforcement tools available to the Regional Board include, but are not limited to:

- Verbal enforcement action (informal)
- Enforcement letters (informal)
- Notice of Violation (informal - highest level of informal enforcement action)
- Technical Reports and Investigations (CWC § 13267)
- Cleanup and Abatement Orders (CWC § 13304)
- Time Schedule Orders (CWC §§ 13300 and 13308)
- Cease and Desist Orders (CWC §§ 13301 - 13303)
- Administrative Civil Liability (CWC § 13261³)

If dischargers in a given area are illegally discharging, they can be requested to file a ROWD for coverage under the WDRs. Staff expect that there may be specific information which may require the Regional Board to take action to prohibit a specific discharge until it is regulated under WDRs adopted by the Regional Board or employ other means such as a Cleanup and Abatement Order. If

² Water Quality Enforcement Policy, State Water Resources Control Board, 19 February 2002, p. 3.

³ Up to \$1000 per day for failure to furnish reports of waste discharge or failure to pay annual program fees. (\$5000 per day for non-NPDES discharges if hazardous waste is involved and there is a willful violation).

WDRs are required, the Regional Board and the discharger will be required to comply with the CEQA. This would entail the discharger conducting an environmental review of the existing or proposed discharger or contracting with the Regional Board for such a review. The Regional Board would likely be the lead agency in the process.

Additional information necessary for the development of the program enforcement strategy to address dischargers that are not in compliance with the CWC will be compiled over the several months and presented to the Regional Board.

7. EXISTING IRRIGATED LANDS PROGRAM ELEMENTS

April Deadline Extension

Some agricultural industry representatives have verbally requested that the 1 April 2004 deadline for Watershed Evaluation Reports and Monitoring and Reporting Program Plans be extended for Coalition Groups. Staff does not recommend extending the deadline for these technical reports. Submission of these reports is a condition of the Coalition Group Waiver and Coalition Groups have been aware of the 1 April 2004 deadline for over seven months, since the waiver was adopted 11 July 2003. During the public comment period prior to adoption of the Waivers, extension of the 1 April 2004 deadline was not requested. Further, after the Waivers were adopted by the Regional Board, if any interested person desired to change the April 1st deadline - a condition of the waiver, the proper procedure would have been to petition to the State Board requesting an extension on this deadline. Of the seven petitions and four supplemental petitions submitted to the State Board, while some requested extension of the 1 November 2003 deadline for the Notice of Intent and General Report submissions by Coalition Groups, none requested an extension of the deadline for the reports due 1 April 2004. Staff recognizes the significant amount of work Coalition Groups must complete in the preparation of the reports due April 1st. The Regional Board is expecting good faith, best efforts to comply with waiver conditions. If there are information and/or data gaps reasonably existing by April 1st, groups need to identify these gaps and describe how and when they will be filled.

Notices of Intent/Notices of Applicability

Nine Coalition Groups have submitted a Notice of Intent (NOI) and General Report. The following six Coalition Groups have received a Notice of Applicability (NOA) from the Executive Officer.

- Southern San Joaquin Valley Water Quality Coalition
- East San Joaquin Water Quality Coalition
- Westside San Joaquin River Watershed Coalition
- Sacramento Valley Water Quality Coalition
- Westlands Water District
- San Joaquin County and Delta Water Quality Coalition

The remaining three Coalition Groups (California Rice Commission, Root Creek Water District and San Luis Water District) submitted incomplete NOIs. Staff is in contact with these groups and will issue a NOA once the NOIs are deemed complete.

Approximately 70 NOIs were submitted on behalf of individual dischargers. Of all the individual Discharger NOIs filed, at this time, four NOAs have been issued, ten were deemed incomplete and staff mailed out incomplete letters requesting additional information be submitted by 6 March 2004; and the remaining have, or are in the process of, joining a Coalition Group. Four Irrigation Districts (Merced, Modesto, Oakdale and South San Joaquin) also submitted NOIs for individual coverage. Staff is in the process of reviewing these and will present an update at the March Regional Board meeting.

Outreach

A brochure for the program describing the three options for regulatory coverage for discharges from irrigated lands has been developed and 100,000 copies have been printed. The brochures are being sent, along with a cover letter from the Regional Board urging dischargers to choose an option and obtain regulatory coverage, to Coalition and local groups, UC Cooperative Extension Farm Advisors, NRCS representatives and local workgroups, local resource conservation districts, water districts, and others for distribution to growers. Staff is also working with the Department of Pesticide Regulation and the County Agricultural Commissioners, and as of 26 February 2004, have contacted Agricultural Commissioners in 13 counties and sent 16,500 brochures to them, along with the cover letter. Staff plans to contact all Agricultural Commissioners and County Farm Bureaus for all counties within the Central Valley Region and send brochures and the cover letter for distribution to growers within those counties. Over 28,000 brochures have been distributed as of 1 March 2004.

Irrigated Lands Waiver Phase 1 Monitoring Status

University of California Davis (UCD) conducted sample collection and water column toxicity testing under a contract with the Regional Board. As of 1 November 2003, all fieldwork has been completed. A draft report will be available by June 2004. A contract amendment has been processed to extend the contract period to allow time to complete of the draft and final investigation report. This amendment is necessary to address a delay in the start of contract. This delay occurred during the final execution of the contract by State Board. The draft Report should be available in April 2004 and the final report completed in June 2004.

Irrigated Lands Waiver Phase II Monitoring Contracts

Staff prepared contracts with UCD and California Department of Fish and Game (CDFG) for the Phase II water quality investigation that includes sample collection, laboratory analyses and data management and reporting.

Both contracts were sent to the contractors for review and approval in December 2003. Staff are working closely with UC Davis and CDFG s staff to set up field and analytical procedures for monitoring under these contracts. The CDFG contract budget has been revised to accommodate an increase in the overhead charges. As of 26 February 2004, both contracts have been submitted to the contractor's administration offices for final approval and signature. After the contract signs the contracts, they will be submitted to State Board for final contract execution.

Rice Industry Request

In a 1 March 2003 letter, the California Rice Commission (CRC) requested Board action at the March 2004 meeting allowing the CRC extended time lines for submittal of a rice specific waiver. The CRC anticipates preparation of a rice specific conditional waiver in time for consideration in September or October. In lieu of meeting the established time lines, the CRC states that their existing monitoring and reporting in the Rice Pesticide Program should serve as functionally equivalent to the requirement for Monitoring and Reporting Program (MRP) under the waiver for discharges from irrigated lands. Staff is reviewing the letter and will be prepared to discuss the request at the Board meeting.

Environmental Impact Report

A draft Request for Qualifications for the preparation of the EIR has been reviewed internally by Region 5 staff, and was forwarded to State Board on 27 January 2004 for administrative review and processing. State Board staff are currently circulating the draft Request for Qualifications for internal administrative review.

Recent Litigation Action

On 26 February 2004, Waterkeepers Northern California doing business as Deltakeeper, Natural Resources Defense Council, Inc., The Ocean Conservancy, Environmental California, Inc., and California Sportfishing Protection Alliance (Petitioners) filed in the Superior Court for the State of California in and for the County of Sacramento a CEQA Petition challenging the Central Valley Regional Board Resolutions No. R5-2003-0103 and R5-2003-0105 and Orders No. R5-2003-0826 and R5-2003-0827 and State Board Order No. WQO 2004-0003 Regarding Conditional Waivers of Waste Discharge Requirements for Discharges from Irrigated Lands.

The Petitioners requested an entry of judgment as follows:

1. For a peremptory writ of mandate directing Respondent Regional Board and/or Respondent State Board:
 - (a) To vacate and set aside Resolution No. R5-2003-0103 adopting the Initial Study and Negative Declaration;
 - (b) To vacate and set aside Resolution No. R5-2003-0105, Order No. R5-2003-0826 and Order No. R5-2003-0827 adopting the conditional waiver for agricultural discharges and the accompanying monitoring requirements;
 - (c) To prepare, circulate, and consider a legally adequate EIR and otherwise to comply with CEQA in any subsequent action to approve the project; and
 - (d) To prepare, circulate, and consider issuing Waste Discharge Requirements for discharges from irrigated lands in compliance with Porter-Cologne and the rules, regulations, and policies issued thereunder.
2. For a peremptory writ of mandate directing Respondent State Board to vacate and set aside WQO 2004-0003 upholding Respondent Regional Board's actions.

3. For their costs of suit. Petitioners have incurred substantial costs that will continue to accrue in an amount not yet determined and are recoverable pursuant to California Code of Civil Procedure section 1021.
4. For an award of attorney's fees. Petitioners are entitled to an award of attorneys' fees, if they prevail in this action, pursuant to California Code of Civil Procedure section 1021.5 because this action seeks to enforce important rights affecting the public interest, which, if enforced, will confer significant benefits on the general public.
5. For other equitable or legal relief that the Court considers just and proper.

Comments or questions regarding this Information Report should be directed to the following Regional Board staff members:

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Molly White at (916) 464-4781 or whitem@rb5s.swrcb.ca.gov

HISTORY OF THE IRRIGATED LANDS PROGRAM SINCE DECEMBER 2002

On 5 December 2002, prior to the termination of the 1982 Waiver, the Regional Board adopted Resolution No. R5-2002-0201, a “Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands” (2002 Conditional Waiver). On 6 December 2002, due to the numerous issues raised by a broad spectrum of interests and lack of time for a full analysis of these issues. The Regional Board requested staff to prepare an analysis of comments received regarding the 2002 Conditional Waiver, including issues raised in two letters submitted by: (1) a coalition of environmental interests, and (2) a coalition of agricultural interests and water agencies. The Regional Board asked staff to present a discussion of the issues, evaluate alternatives to addressing issues raised, and make recommendations for revisions to the 2002 Conditional Waiver for consideration by the Regional Board at the March 2003 Regional Board meeting. Based on requests by interested persons, consideration by the Regional Board was postponed until the April 2003 Regional Board meeting.

April 2003 Agenda Package

As directed by the Regional Board, staff proposed revisions to the 2002 Waiver, taking the form of a proposed Conditional Waiver Order and Monitoring and Reporting Programs (MRPs). The April staff report was intended to address issues raised by interested persons, to clarify the waiver to assure compliance with the Porter-Cologne Water Quality Control Act (California Water Code (CWC) Division 7) including waiver conditions, and creating a technically based monitoring program. The April staff proposals were also intended to clarify ambiguities and inconsistencies and provide structure and clear direction to groups and individuals subject to the conditional waiver. A detailed monitoring program was included because the 2002 Waiver contained no detail with respect to monitoring.

Based upon public comments, numerous meetings with various interested persons, and Regional Board direction, staff developed the MRPs to provide direction as to what would be required of Groups and individuals in their monitoring efforts. Further, the Regional Board expressed a concern that there must be clear requirements for the production and reporting of the data to allow it (and others) to compare data collected in the various watersheds. The MRP framework was used because it is consistent with the framework and process used in the Regional Board’s other regulatory programs. It is a framework that provides flexibility to the Regional Board, Watershed Groups (also referred to as Coalition Groups) and individual dischargers. As Groups gather and analyze information, they will want to refine monitoring approaches and plans. This framework will provide flexibility in making those refinements in a timely manner.

April 2003 Agenda Comment Period

The agenda package for the hearing at the 24/25 April 2003 Regional Board meeting was released to the public on 10 April 2003. Public comments were due 21 April 2003. The Regional Board

received several letters and other comments expressing concern about the length of the comment period.

On 17 April 2003, the Regional Board Chairman issued an addendum to the 16 April 2003 letter to the interested persons extending the comment period and clarifying the purpose of the hearing. This letter acknowledged concerns on the length of the comment period, noting that the Regional Board has attempted to provide an open, reasoned process in its proceedings, and has done so by providing several public workshops and hearings, and it would continue to do so prior to making decisions concerning the Irrigated Lands Waiver. The addendum established:

1. An extension of the public comment period to 5 p.m., Friday, 23 May 2003, at which time the record would be closed and no further written comments would be accepted;
2. The Irrigated Lands Waiver hearing at the April 24/25 meeting was confirmed as the time to hear the staff report and public comments;
3. The Regional Board would not take action with respect to the proposed revisions to the 2002 Conditional Waiver, but may take other actions as noticed, including giving additional direction to staff; and
4. The Regional Board would postpone action on the revisions to the 2002 Conditional Waiver until its meeting scheduled for 10/11 July 2003 in Sacramento.

Approximately 150 comment letters were received addressing the April 2003 proposed Conditional Waiver Order and supplemental documents.

April 2003 Hearing

A hearing on the matter was held 24 April 2003. The staff presentation and public testimony were heard over a period of six and half-hours. Based on testimony given at the 24 April 2003 hearing, the Regional Board passed a motion that directed staff to do the following:

1. Work with principal interested persons to develop phased monitoring and quality assurance programs that are scientifically defensible;
2. Work with principal interested persons to devise a mechanism for identifying those who are not participating in the waiver, but should be participating;
3. Not consider a fee schedule at this time, and instead work with the State Board and principal interested persons to develop funding for shorter term requirements and a strategy for long term funding; and
4. Work with principal interested persons to develop a workable definition for a Coalition Group.

July 2003 Agenda Package

Between the April 2003 Regional Board meeting and mid June 2003, staff participated in more than sixteen meetings and dozens of telephone conversations with interested persons, ranging from agricultural, drinking water and environmental representatives, growers, Coalition Groups and agencies. Some of the meetings were held to inform these Groups about the 2002 Conditional

Waiver and current status, but a majority of the meetings were focused on information exchange and discussion of approaches for addressing issues relative to the 2002 Conditional Waiver and the April 2003 proposals.

Based on the meeting and April comments staff prepared a revised Conditional Waiver that included separate conditions for Coalition Groups and individuals and detailed monitoring and reporting programs.

The following summarizes the significant differences between the April 2003 proposed Conditional Waiver Order and the July 2003 proposed Conditional Waiver.

1. Resolution vs. Order – for consistencies purposes, the Conditional Waiver Order proposed in April 2003 was reformatted back into a resolution.
2. Resolution reorganization – in addition to using a resolution, provisions in the proposed April Conditional Waiver Order were moved, to provide for better organization, into the following sections: Legal and Regulatory Considerations, Rationale for Conditional Waiver of WDRs for Discharges from Irrigated Lands, Scope and Description of Conditional Waiver of WDRs for Discharges from Irrigated Lands, and California Environmental Quality Act.
3. Two Waivers vs. One Waiver – two Conditional Waivers, one for Watershed/Coalition Groups and one for individual dischargers were proposed. This was done to remove any ambiguities as to which conditions applied to Watershed/Coalition Groups versus individual dischargers.
4. Access – language describing the granting of Regional Board staff access to property for purposes of determining compliance with waiver conditions was shortened, and language was added in the Conditional Waiver for Watershed/Coalition Groups to the effect that Watershed/Coalition Groups must notify their members of the access provision.
5. Power –the language was modified in the proposed Conditional Waivers that dischargers will take all reasonable steps to prevent any discharge in violation of the Waiver and that they shall maintain in good working order and operate as efficiently as possible any facility, control system, including management practices and monitoring devices installed or used to achieve compliance with the Waiver.
6. Finding 10 – the language in Finding No. 10 of the Conditional Waiver Order created an ambiguity with regard to the requirements that would have to be met for dischargers to be deemed in compliance with waiver conditions. A finding was included in the proposed Resolution specifying that the Regional Board does not expect that water quality objectives will be achieved in all surface waters in the Region within the term of the Resolution. The conditions of the Waivers, however, required actions that will lead to achieving water quality objectives. To satisfy the conditions of the Waivers, Watershed/Coalition Groups and individual dischargers must submit technical reports, conduct monitoring of surface waters, implement management practices, evaluate the effectiveness of management practices, refine management practices to improve their effectiveness where necessary, protect against pollution and nuisance, and protect the waters of the state.

7. Definitions and Water Quality Objectives – this information was consolidated into one attachment.
8. Report Titles – some report titles were revised to create more clarity.

Monitoring Requirements

The July agenda contained two proposed MRPs for Regional Board consideration. These MRPs were revised based on Regional Board direction and comments received from interested persons. The MRPs required the submittal of Technical Reports under CWC section 13267 to ensure that conditions of the Conditional Waivers are met. The Coalition Group MRP was revised to allow the Group to implement a phased monitoring approach. Both monitoring programs include monitoring for basic water quality parameters and drinking water constituents of concern. Toxicity testing is required in the first phase of the Coalition Group MRP. However, toxicity testing is optional for individual dischargers unless monitoring indicates elevated levels in the discharge or surface waters. The Corrective Action Report (CAR) required in the April 2003 Waiver Order was replaced with a “management plan.” The Coalition Groups or the Regional Board will make this plan available to the public for comments. The objective of this plan is to document measures taken to eliminate surface water quality impairments or impacts and to ensure long-term protection of water quality. The timeline for submittal of technical reports was revised to account for the extended Regional Board meeting process and to address various comments related to the dynamic nature of the existing program.

July 2003 Agenda Comment Period

The agenda package for the hearing at the 10/11 July 2003 Regional Board meeting was released to the public on 23 June 2003. Public comments were due at the close of business 7 July 2003. The Regional Board received approximately 3,000 comment letters from various interested persons. Both the environmental interests and the agricultural interests were not in favor of the July 2003 proposals, and for the most part, expressed the following positions regarding both the April 2003 Conditional Waiver Order and the July Conditional Waivers:

Environmental Interests

Positions included, but were not limited to the following:

- Supportive of rescinding the December 2002 Conditional Waiver;
- Supportive of Waste Discharge Requirements not waivers;
- Not supportive of the macro Coalition Group approach;
- All dischargers must be identified;
- Fees should be collected in order to support the Irrigated Lands Program; and
- MRPs were drafted in such a manner that would not adequately determine the impacts of discharges from irrigated lands.

Agricultural Interests (including Water Agencies, Irrigation Districts, County Farm Bureaus, individual farmers, etc.)

Positions included, but were not limited too, the following:

- Supportive of the December 2002 Conditional Waiver;

- Not supportive of the proposed July 2003 Conditional Waivers (although some viewed the July proposals as improvements over the April proposals);
- Identifying individual dischargers in the Coalition Group would be an administrative burden and may in fact make the Group approach impractical; and
- Monitoring and reporting requirements were excessive and cost prohibitive.

Based on the review of the comment letters, Regional Board staff proposed late revisions for Regional Board consideration at the hearing. Staff recommended that the December 2002 Conditional Waiver be rescinded and the proposed July 2003 Conditional Waivers be adopted as proposed with late revisions.

10/11 July 2003 Regional Board Hearing

On 10 July 2003, the Regional Board adopted Resolution No. R5-2003-0102, which rescinded Resolution No. R5-2002-0228, Approval of an Initial Study and Adoption of a Negative Declaration for Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands, and Resolution No. R5-2002-0201, Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands.

After the Regional Board rescinded the December 2002 Conditional Waiver, they dedicated nearly two full days of testimony from staff and interested persons regarding the July proposals. Once the hearing was closed, the Regional Board had the following options before them:

1. Re-adopt the Negative Declaration and/or 2002 Conditional Waiver that were adopted 5 December 2002;
2. Direct staff to revise the 2002 Conditional Waiver and/or to prepare and to circulate a new environmental document for consideration at a later Regional Board meeting; or
3. Adopt the Conditional Waiver Order and/or CEQA documents that were prepared for Regional Board consideration at the April 2003 Board Meeting; or
4. Adopt a revised Conditional Waiver and CEQA documents that consider written and oral comments received up to and including the 10/11 July Regional Board hearing; or
5. Direct staff to re-circulate for additional public comment, and for consideration at a later Regional Board hearing, a Conditional Waiver and CEQA documents that were prepared based on the oral and written comments received up through 10/11 July 2003 Regional Board hearing; or
6. Direct staff to take other related actions.

Upon deliberating, the Regional Board adopted the July 2003 Conditional Waivers with late revisions. Along with the adoption of the July 2003 Conditional Waivers, the Regional Board directed staff to do the following:

- Proceed with preparing an Environmental Impact Report and developing the 10-year implementation program, and
- On or before the January 2004 Regional Board meeting, the Executive Officer shall present

an example (draft) of General Waste Discharge Requirements and an implementation strategy and advise the Regional Board on possible funding strategies for the implementation of the Irrigated Lands Program, and/or

- Termination or revisions, as appropriate, to the Waiver.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-

GENERAL WASTE DISCHARGE REQUIREMENTS
FOR

DISCHARGES FROM IRRIGATED LANDS
WITHIN THE CENTRAL VALLEY REGION

WHEREAS, the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board) finds that:

1. In the Central Valley Region there are more than seven million acres of cropland under irrigation and thousands of operations generating wastewater that fall into the category of “discharges from irrigated lands.”
2. In the Central Valley Region there are thousands of miles of surface waters that are affected by discharges of waste from irrigated lands. These discharges may adversely affect the quality of the waters of the state.
3. Discharges from irrigated lands, which include surface discharges (also known as tailwater), operational spills, subsurface drainage generated by irrigating crop land or by installing drainage systems to lower the water table below irrigated lands (wastewater) and storm water runoff flowing from irrigated lands, may contain wastes as defined in California Water Code (CWC) Section 13050, that could affect the quality of the waters of the state. The discharge of tailwater, wastewater and/or storm water from irrigated lands occurs to both surface and groundwater. Such wastes include: earthen materials, including soil, silt, sand, clay, rock; inorganic materials, (such as metals, salts, boron, selenium, potassium, nitrogen, etc.); organic materials, (such as organic pesticides) that enter or threaten to enter into waters of the State.
4. Whether an individual discharge of waste from irrigated lands may affect the quality of the waters of the State depends on the quantity of the discharge, quantity of the waste, the quality of the waste, the extent of treatment, soil characteristics, distance to surface water, depth to groundwater, crop type, management practices and other site-specific factors. These individual discharges may also have a cumulative affect on waters of the state.
5. Some water bodies within the Central Valley have been listed as impaired pursuant to Clean Water Act section 303(d). Waste discharges from some irrigated lands have impaired and will likely continue to impair the quality of the waters of the State within the Central Valley Region if not subject to regulation pursuant to the Porter-Cologne Water Quality Control Act (codified in California Water Code Division 7) (hereafter CWC).

6. For the purpose of this General Waste Discharge Requirement Order (hereafter referred to as General Order) a Discharger is an owner/operator of irrigated lands or entity (public or private) that discharges waste from irrigated lands to surface waters.
7. In 1982, pursuant to CWC Section 13269, the Regional Board adopted Resolution No. 82-036 that conditionally waived Waste Discharge Requirements for 23 categories of discharges, including irrigation return water and storm water runoff (1982 Waiver). Pursuant to CWC section 13269, these waivers terminated on 1 January 2003. On 5 December 2002, prior to the termination of the 1982 Waiver, the Regional Board adopted Resolution No. R5-2002-0201 establishing a new Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands Within the Central Valley Region (2002 Conditional Waiver). On 10 July 2003, the Regional Board rescinded Resolution No. R5-2002-0201 and on 11 July 2003 adopted Resolution No. R5-2003-0105, Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Waiver), for Coalition Groups and Individual Dischargers that was revised by the State Water Resources Control Board (State Board) in Water Quality Order WQO 2004-0003.
8. Various regional and sub-basin Coalition Groups have formed in the Central Valley region on behalf of individual Dischargers to address issues regarding the discharge of wastewater and storm water from irrigated lands to waters of the State. These Coalition Groups have filed, on behalf of the individual Dischargers, a Notice of Intent (NOI) with the Regional Board requesting coverage under Resolution No. R5-2003-0105. In addition, several individuals have submitted NOIs for coverage under the Individual Waiver.
9. The goal of this General Order is to improve and protect water quality by providing a program to regulate discharges from irrigated lands that cause or contribute to conditions of pollution or nuisance as defined in CWC Section 13050 or that cause or contribute to exceedances of any Regional or State Board numeric or narrative water quality standard by reducing discharges of waste.
10. Attachment A, which is attached hereto and made part of this General Order by reference, includes information from applicable Water Quality Control Plans and definitions of terms used and referenced in this General Order.

RATIONALE FOR GENERAL WASTE DISCHARGE REQUIREMENTS

11. CWC Section 13260 requires that any person who is discharging waste, or proposing to discharge waste (other than to a community sewer system), which could affect the quality of the waters of the State within the Central Valley Region, shall file a Report of Waste Discharge (ROWD) with the Regional Board unless such requirement is waived pursuant to CWC section 13269.
12. CWC section 13263 requires the Regional Board to prescribe Waste Discharge Requirements (WDRs), or waive WDRs, for the discharge. The WDRs must implement relevant water quality control plans and the CWC.

13. CWC Section 13263(i) authorizes the Regional Board to prescribe general WDRs for a category of discharges if the Regional Board determines that all of the following criteria apply to the discharges in that category:
 - a. The discharges are produced by the same or similar operations.
 - b. The discharges involve the same or similar types or waste.
 - c. The discharges require the same or similar treatment standards.
 - d. The discharges are more appropriately regulated under general discharge requirements than individual discharge requirements.
14. This General Order applies to discharges of waste from <specify category, that is subcategory of all irrigated lands>. It is appropriate to adopt a General Order for this category of discharge because the discharges have the same or similar waste (i.e. pesticides, sediments, metals, minerals) in the same or similar operations (use surface or ground water to irrigate crops), and use the same or similar treatment methods (i.e., irrigation water source control, reduced pesticide use, tailwater recovery and holding times, cover crops, and other similar management practices). Due to the similarities of the wastes discharged and management practices used to control the discharges of waste, the number of dischargers that could apply for coverage under this General Order, and the effective use of Regional Board and staff resources, it is more appropriate to regulate such discharges under a General Order instead of individual WDRs.

SCOPE OF THIS GENERAL WASTE DISCHARGE REQUIREMENT ORDER

15. This General Order applies to the [name of category] that discharges waste from irrigated lands to surface waters, which are waters of the state.
16. Irrigated lands are lands where water is applied for producing crops and includes, but is not limited to, land planted to row, field and tree crops, commercial nurseries, nursery stock production, managed wetlands, irrigated pasture and rice production.
17. This General Order does not apply to discharges that subject to the National Pollutant Discharge Elimination System (NPDES) permit program under the Clean Water Act.
18. This General Order does not regulate discharges of waste to groundwater. The Regional Board will consider the regulation of discharges of waste from irrigated lands that may impact groundwater at a later time following preparation of an Environmental Impact Report now in development and expected to be completed in 2006.
19. This General Order is one regulatory option for those who discharge waste from irrigated lands. To be considered covered under this Order, a Discharger shall submit a complete Notice of Intent (NOI) to comply with the conditions of the General Order and receive a Notice of Applicability from the Executive Officer.

20. A filing fee of \$_____ shall accompany the NOI. The \$_____ corresponds to a Threat to Water Quality (TTWQ) and Complexity (CPLX) of ____ in the fee schedule listed in Section 2200 of Title 23, CCR. As an example for discussion purposes the description of the TTWQ and CPLX of 3C is as follows:

TTWQ Category “3” – Those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2.

CPLX Category “C” - Any discharge for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included as a Category “A” or Category “B” as described above. Included would be discharges having no waste treatment systems or that must comply with best management practices, discharges having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

At this time, the State Board has not adopted a fee schedule specifically addressing waste discharges from irrigated lands. The only mechanism for identifying fees for this type of discharge is through the determination of threat and complexity. The State Board may revise the fee schedule to specifically address discharges from irrigated lands. If the State Board adopts a fee schedule specifically addressing these discharges, this General Order would be revised as appropriate.

21. This General Order requires compliance with receiving water limitations based upon existing water quality objectives contained in the Regional Board’s Water Quality Control Plans, the National Toxics Rule and the California Toxics Rule.
22. To satisfy the conditions of this General Order, the Discharger shall maintain existing high quality water if the receiving waters are of better quality than applicable objectives and shall take actions to improve water quality if receiving waters exceed water quality objectives. This General Order requires the Dischargers to prepare and implement site-specific plans (Farm Water Quality Plans) setting forth management practices to meet receiving water limits, conduct monitoring of surface waters, and prepare and implement other technical reports. Dischargers may comply with monitoring requirements of this General Order by participating in a Coalition Group Monitoring and Reporting Program approved by the Executive Officer unless otherwise directed by the Executive Officer. The formation, operation and funding of Coalition Groups is the responsibility of the local entities and/or Dischargers who are participants in the Coalition Group.
23. This General Order requires the preparation of a Farm Water Quality Plan (Plan) for the Discharger’s entire irrigated lands operation. The purpose of the Plan is to determine whether wastes from irrigated lands are being discharged from the Discharger’s operations at levels that cause degradation or cause exceedances of water quality objectives, and, if so, to evaluate what management practices are currently used and their effectiveness in controlling the discharges of waste. If current practices are not effective, the Discharger

must identify and implement other or additional management practices to control discharges of wastes to waters of the state. Integrated planning will help Dischargers establish priorities in addressing water quality concerns specific to their operations. Further, developing a Plan may assist the Discharger in qualifying for state and/or federal funding, if available, for management practice implementation.

24. Water quality monitoring required by this General Order will be used to determine compliance with receiving water limits, to evaluate the impact of waste constituents on waters of the state, to evaluate the effectiveness of management practices set forth in the Plan, and to establish priorities for further actions to protect water quality.
25. If monitoring indicates that existing management practices are resulting in discharges of waste (i.e pesticides, nutrients, sediment, salt, etc.) that cause or contribute to violations of water quality objectives, then pursuant to CWC Section 13267, the Executive Officer may require that the Discharger submit a technical report called a Management Plan.
26. The technical reports required by this General Order and the attached Monitoring and Reporting Programs are necessary to evaluate each Discharger's compliance with the terms and conditions of the General Order.

REGULATORY CONSIDERATIONS

27. The Regional Board's *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition* and the *Water Quality Control Plan for the Tulare Lake Basin, Second Edition* (hereafter Basin Plans) designate beneficial uses, establish water quality objectives, contain programs of implementation needed for achieving water quality objectives, and reference the plans and policies adopted by the State Water Resources Control Board (State Board). Pursuant to CWC Section 13263(a), waste discharge requirements must implement the Basin Plans.
28. The beneficial uses of surface waters of the state within the Central Valley Region include one or more of the following: municipal and domestic supply; agricultural supply; industrial process and service supply; power generation; water contact recreation; non-contact water recreation; warm and cold freshwater habitat; migration of aquatic animals; spawning, reproduction and/or early development; wildlife habitat; estuarine habitat; preservation of biological habitats of special significance; shellfish harvesting; navigation; rare, threatened, and endangered species; freshwater replenishment; and groundwater recharge.
29. The beneficial uses of the groundwater underlying the Central Valley Region are municipal and domestic supply, agricultural supply and industrial process and service supply.
30. CWC section 13267(b) provides that: *"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity*

of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.”

31. State Board Resolution No. 68-16 (“Statement of Policy with Respect to Maintaining High Quality of Waters in California”) (Resolution 68-16) requires a regional board, in regulating the discharge of waste, to maintain high quality waters of the state until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the state, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in a regional board’s policies (e.g., quality that exceeds water quality objectives). Resolution 68-16 also states, in part:

“Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in best practicable treatment and control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.”
32. [Add additional Resolution 68-16 findings for the purposes of this specific General Order.]
33. Where other State Agencies have a regulatory role for activities or pollution addressed by the conditions of the General Order, the Regional Board will work cooperatively with other State Agencies in order to effectively regulate discharges from irrigated lands.
34. In 1997, the State Board and the Department of Pesticide Regulation (DPR) entered into a Management Agency Agreement (MAA) and approved a California Pesticide Management Plan for Water Quality (Plan). The MAA and the Plan represent a joint effort between the agencies to protect water quality from the potential adverse effects from pesticides. The Plan contains provisions for outreach programs, compliance with water quality standards, ground and surface water protection programs, self-regulatory and regulatory compliance, interagency communication and dispute and conflict resolution.
35. The Basin Plan for the Sacramento and San Joaquin Rivers contains an implementation program for pesticide discharges from nonpoint sources. According to the Pesticide Implementation Program, the control of pesticide discharges to surface waters from nonpoint sources will be achieved primarily by the development and implementation of management practices that minimize or eliminate the amount discharged. Dischargers from the Tulare Lake Basin as well as the Sacramento and San Joaquin River Basins enrolled under this Order will be subject to the requirements of the Pesticide Implementation

Program. The requirements of the Pesticide Implementation Program are included in Provision E.3. of this Order.

36. If pesticide control efforts are not effective and a pesticide is detected more than once in surface waters, investigations will be conducted to identify sources. Where pesticide discharges pose a significant threat to drinking water supplies or other beneficial uses, the Executive Officer may request that the Department of Pesticide Regulation (DPR) act to prevent further impacts. If DPR does not act then the Regional Board may act within a reasonable time period to place restrictions on the discharges. The Regional Board may require actions that include, regulating discharge(s) by WDRs, require management plans, clean up and abatement actions, and discharge prohibitions.
37. Pursuant to CWC section 13263(g), discharges of waste to waters of the State is a privilege, not a right, and adoption of this General Order, and the receipt of a Notice of Applicability (NOA) from the Executive Officer, does not create a vested right to continue the discharge.
38. This action to adopt this General Order for discharges from irrigated lands: (a) may be rescinded at any time, (b) does not permit an illegal activity, (c) does not preclude the need for permits that may be required by other state or local government agencies, and (d) does not preclude the Regional Board from administering enforcement remedies (including civil liability) pursuant to the CWC. The Executive Officer may terminate the applicability of this General Order with respect to a specific Discharger.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

39. For purposes of adoption of this General Order, the Regional Board is the lead agency pursuant to the California Environmental Quality Act (CEQA)(Public Resources Code sections 21100 et seq.). [Insert finding regarding CEQA compliance for the purposes of this specific General Order.]

PUBLIC NOTICE

40. All of the above findings and the supplemental information and details in the attached Information Sheet, incorporated by reference herein, were considered in establishing the following conditions of discharge.
41. Interested persons were notified of the intent to prescribe General WDRs for Discharges from Irrigated Lands and were provided an opportunity for a public hearing and an opportunity to submit written comments.
42. In a public hearing, all comments pertaining to this General Order were heard and considered.

IT IS HEREBY ORDERED that, pursuant to California Water Code Sections 13263 and 13267, discharges from irrigated lands as described in Finding No. 9, in order to meet the provisions contained in California Water Code Division 7 and regulations, plans and policies adopted thereunder, shall comply with the following:

A. Discharge Prohibitions

1. Discharge of waste classified as “hazardous”, as defined in Title 23, California Code of Regulations (CCR), Section 2510, et seq., (hereafter Chapter 15), or ‘designated’, as defined in CWC Section 13173, is prohibited.

B. Discharge Specifications

1. The Discharger shall not cause or contribute to conditions of pollution or nuisance as defined in CWC Section 13050.
2. The Discharger must comply with all requirements of applicable water quality control plans (Refer to **Attachment A**) and the Basin Plan identified above.
3. The Discharger shall not cause or contribute to exceedances of any Regional, State or Federal numeric or narrative water quality standard.
4. No later than [insert date] the Discharger shall comply with **C. Receiving Water Limitations**.
5. Objectionable odors due to the storage of wastewater or storm water shall not be perceivable beyond the limits of the property owned or operated by the Discharger.
6. A Discharger who discharges any waste not specifically regulated by this General Order may not discharge such waste except in compliance with the CWC.

C. Receiving Water Limitations

1. The following receiving water limitations are based upon water quality objectives contained in the Basin Plan and summarized in **Attachment A**. As such, the following limitations are a required part of this General Order. Dischargers shall not cause:
 - a. Concentrations of dissolved oxygen to fall below 7.0 mg/l, 6.0 mg/L or 5.0 mg/l as specified in the Basin Plans.
 - b. Oils, greases, waxes, or other materials to form a visible film or coating on the water, surface or on the stream bottom.
 - c. The normal ambient pH to fall below 6.5, exceed 8.5, or change by more than 0.5 units.
 - d. Oils, greases, waxes, floating material (liquids, solids, foams, and scums) or suspended material to create a nuisance or adversely affect beneficial uses.

- e. Aesthetically undesirable discoloration.
- f. Fungi, slimes, or other objectionable growths.
- g. The turbidity to increase as follows:
 - 1. More than 1 Nephelometric Turbidity Units (NTUs) where natural turbidity is between 0 and 5 NTUs.
 - 2. More than 20 percent where natural turbidity is between 5 and 50 NTUs.
 - 3. More than 10 NTUs where natural turbidity is between 50 and 100 NTUs.
 - 4. More than 10 percent where natural turbidity is greater than 100 NTUs.
- h. Deposition of material that causes nuisance or adversely affects beneficial uses.
- i. The normal ambient temperature to be altered more than 5°F.
- j. Taste or odor-producing substances to impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or to cause nuisance or adversely affect beneficial uses.
- k. Radionuclides to be present in concentrations that exceed maximum contaminant levels specified in the California Code of Regulations, Title 22; that harm human, plant, animal or aquatic life; or that result in the accumulation of radionuclides in the food web to an extent that presents a hazard to human, plant, animal, or aquatic life.
- l. Aquatic communities and populations, including vertebrate, invertebrate, and plant species, to be degraded.
- m. Toxic pollutants to be present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses; that produce detrimental response in human, plant, animal, or aquatic life; or that bioaccumulate in aquatic resources at levels which are harmful to human health.
- n. Violation of any applicable water quality objective in the Regional Board's Basin Plans or any water quality standard for receiving waters adopted by the Regional Board or the State Board pursuant to the Clean Water Act and regulations adopted thereunder.

D. Enrollment Process

- 1. Each Discharger shall submit a Notice of Intent (NOI) for coverage under the General Order and the associated filing fee. The filing fee for coverage under this General Order, based on the threat and complexity of __, is \$____. The first annual fee of \$____ shall be included with the NOI. This initial fee also constitutes as the filing fee. The information required in the NOI is equivalent to a ROWD. **Attachment B** contains the NOI and is attached hereto and made part of this General Order by reference.
- 2. Upon submittal of a complete and approved NOI, the Discharger will be considered enrolled under the General Order and the Executive Officer will issue a Notice of Applicability (NOA).
- 3. Due to site specific or discharge specific conditions, the Executive Officer may require that any Discharger apply for individual WDRs. The applicability of this

General Order will immediately terminate on the date of the adoption of individual WDRs for that discharge.

E. Provisions

1. Within **90 days** of receiving an NOA, the Discharger shall submit a Specific Farm Monitoring and Reporting Program pursuant to Discharger Monitoring and Reporting Program (MRP) Order No.
2. Within **90 days** of receiving the NOA, the Discharger shall submit a letter certifying that they have prepared a Farm Water Quality Plan (Plan). At a minimum, the Plan must address irrigation management, nutrient management, pest management, and erosion control, and requires: a farm water quality assessment to identify and evaluate the types of waste discharged and impacts to water quality from the operation(s); identification of management practices that can reduce or eliminate waste discharges from the operation and an implementation schedule for these practices; and a description of how the Discharger will evaluate and document the effectiveness of his/her implementation efforts. The Plan shall be updated every 2 years, or sooner if operating conditions change thereby warranting an update of the Plan. Updates must document the management practices implemented for the operation, effectiveness evaluation results, and, if necessary, identify further practices to be implemented. This Plan shall be made available to the Regional Board, Department of Pesticide Regulation and/or Agricultural Commissioner upon request. **Attachment C**, which is attached hereto and made part of this General Order by reference, outlines additional items that are required to be included in this Plan.
3. If monitoring indicates that existing management practices are resulting in the discharge of wastes (i.e. pesticides, nutrients, sediment, salt, etc.) that cause or contribute to violations of Receiving Water Limitations, then pursuant to CWC Section 13267, the Executive Officer may require that the Discharger submit a technical report called a Management Plan. At a minimum, the Management Plan shall include the following:
 - a. Describe existing management practices and what other or additional management practices will be implemented to ensure that water quality objectives will be met.
 - a. Time schedule to implement the management practice.
 - b. A waste specific monitoring plan that will be conducted throughout the implementation program to evaluate the effectiveness of the management practices.

The Management Plan shall be revised during this process to address and identify changes in monitoring or any additional actions to be taken by the Discharger to achieve compliance with Receiving Water Limitations.

4. In the event that the Discharger wishes to terminate authorization under this General Order, the Discharger shall submit a complete Notice of Termination (NOT), as found in **Attachment D**, which is attached hereto and made part of this General Order by reference. Termination from coverage will occur on the date specified in the NOT, unless specified otherwise. All discharges will cease on or before the date of termination, and any discharges after this date shall be considered in violation of this General Order, unless the discharge is covered by a waiver, WDRs or enforcement action.
5. All technical and monitoring reports submitted pursuant to this General Order are required pursuant to CWC Section 13267. Failure to submit reports in accordance with schedules established by this General Order, the attachments of this General Order, or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer, may subject the Discharger to enforcement action pursuant to CWC Section 13268.
6. The NOI, NOT, monitoring report, Farm Water Quality Plan, technical reports and any other information requested by the Regional Board shall be signed by the Discharger or a duly authorized representative of the Discharger.
7. Any person signing a NOI, NOT, monitoring report or technical report makes the following certification, whether written or implied:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment for violations."
8. Pursuant to CWC Section 13267(c), in conducting an investigation, the regional Board may inspect the facilities of any person to ascertain whether waste discharge requirements are being met. The inspection shall be made with the consent of the owner or possessor of the facilities or, if the consent is withheld, with a warrant duly issued pursuant to the procedure set forth in Title 13 Code of Civil Procedure Part 3.
9. In the event that the Discharger does not comply, or will be unable to comply, with any prohibition or limitation of this General Order, the Discharger shall notify Regional Board by telephone at (916) 464-3291 as soon as it or its agents have knowledge of such noncompliance or potential for noncompliance and shall confirm this notification in writing within two weeks. The written notification shall state the nature, time, and cause of noncompliance, shall describe the measures being taken to prevent recurrences, and shall include a timeline for corrective actions.

10. The Discharger must comply with all conditions of this General Order, including timely submittal of all technical reports and monitoring reports. Violations may result in enforcement action under the CWC, including Regional Board orders, the imposition of civil liability, cessation of coverage under this General Order, or referral to the Attorney General.
11. The requirements prescribed herein do not authorize the commission of any act causing injury to the property or another, or protect the Discharger from liabilities under federal, state, or local laws. This General Order does not convey any property rights or exclusive privileges.
12. The Discharger shall maintain in good working order and operate as efficiently as possible any facility, control system, or monitoring device installed to achieve compliance with this General Order.
13. Except for material determined to be confidential in accordance with California law and regulations, all reports prepared in accordance with terms of this General Order shall be available for public inspection at the Regional Board offices. Data on waste discharges, water quality, geology, and hydrogeology shall not be considered confidential.
14. The Regional Board will review this General Order periodically and will revise requirements when necessary.
15. The Executive Officer of the Regional Board may terminate coverage for any Discharger upon notice to the Discharger.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on .

THOMAS R. PINKOS, Executive Officer

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-

APPLICABLE WATER QUALITY CONTROL PLANS
AND DEFINITIONS
FOR
DISCHARGES FROM IRRIGATED LANDS TO SURFACE WATERS
WITHIN THE CENTRAL VALLEY REGION

The following information is provided to ensure that Dischargers and Coalition Groups are aware of the existing Water Quality Objectives contained in the Regional Board's Water Quality Control Plans (Basin Plans). This information is not a complete list. More specific Water Quality Objectives and implementations plans regarding discharges from agricultural lands are contained within these Basin Plans. This information will be used to assess and measure the impact of discharges of waste in irrigation water and stormwater from irrigated lands to surface waters under the terms and conditions of the Conditional Waivers and to develop a 10-year implementation program.

WATER QUALITY CONTROL PLANS

From the Water Quality Control Plans (Basin Plans) for the California Regional Water Quality Control Board, Central Valley Region:

The Sacramento River Basin and San Joaquin River Basin, Fourth Edition – 1998

The Tulare Lake Basin, Second Edition – 1995

Identical Water Quality Objectives for inland surface waters from both Basin Plans

The following are some of the applicable water quality objectives that relate to irrigated lands activities. For a complete list of the water quality objectives, refer to the Basin Plans. Also, please note that the Basin Plans are revised periodically.

Color - Water shall be free of discoloration that causes nuisances or adversely affects beneficial uses.

Sediment - The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses.

Settleable Material - Waters shall not contain substances in concentrations that result in the deposition of material that cause nuisance or adversely affects beneficial uses.

Suspended Material - Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.

Tastes and Odors – Waters shall not contain taste- or odor-producing substances in concentrations, that impart undesirable tastes or odors to domestic or municipal water supplies or to fish flesh or other edible products of aquatic origin, or that cause nuisance, or otherwise adversely affect beneficial uses.

Toxicity - All waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life. This objective applies regardless of whether the toxicity is caused by a single substance or the interactive effect of multiple substances. Compliance with this objective will be determined by analyses of indicator organisms, species diversity, population density, growth anomalies, and biotoxicity tests of appropriate duration or other methods as specified by the Regional Water Board. The Regional Water Board will also consider all material and relevant information submitted by the Discharger and other interested parties and numerical criteria and guidelines for toxic substances developed by the State Water Board, the California Office of Environmental Health Hazard Assessment, the California Department of Health Services, the U.S. Food and Drug Administration, the National Academy of Sciences, the U.S. Environmental Protection Agency, and other appropriate organizations to evaluate compliance with this objective.

The survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality factors shall not be less than that for the same water body in areas unaffected by the waste discharge, or, when necessary, for other control water that is consistent with the requirements for "experimental water" as described in *Standard Methods for the Examination of Water and Wastewater*, latest edition. As a minimum, compliance with this objective as stated in the previous sentence shall be evaluated with a 96-hour bioassay.

In addition, effluent limits based upon acute biotoxicity tests of effluents will be prescribed where appropriate; additional numerical receiving water quality objectives for specific toxicants will be established as sufficient data become available; and source control of toxic substances will be encouraged.

Turbidity - Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in turbidity attributable to controllable water quality factors shall not exceed the following limits:

- Where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU.
- Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent.
- Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs.
- Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected.

Water Quality Objectives from the Sacramento River and San Joaquin River Basin Plan

Floating Material - Water shall not contain floating material in amounts that cause nuisance or adversely affect beneficial uses.

Pesticides

- No individual pesticide or combination of pesticides shall be present in concentrations that adversely affect beneficial uses.
- Discharges shall not result in pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses.
- Total identifiable persistent chlorinated hydrocarbon pesticides shall not be present in the water column at concentrations detectable within the accuracy of analytical methods approved by the Environmental Protection Agency or the Executive Officer.
- Pesticide concentrations shall not exceed those allowable by applicable antidegradation policies (see State Water Resources Control Board Resolution No. 68-16 and 40 C.F.R. Section 131.12.).
- Pesticide concentrations shall not exceed the lowest levels technically and economically achievable.
- Waters designated for use as domestic or municipal supply (MUN) shall not contain concentrations of pesticides in excess of the Maximum Contaminant Levels set forth in California Code of Regulations, Title 22, Division 4, Chapter 15.

Where more than one objective may be applicable, the most stringent objective applies.

For the purposes of this objective, the term pesticide shall include: (1) any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever, or (2) any spray adjuvant, or (3) any breakdown products of these materials that threaten beneficial uses. Note that discharges of "inert" ingredients included in pesticide formulations must comply with all applicable water quality objectives.

Temperature - The natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses.

Temperature objectives for COLD interstate waters, WARM interstate waters, and Enclosed Bays and Estuaries are as specified in the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays of California* including any revisions. There are also temperature objectives for the Delta in the State Water Board's May 1991 *Water Quality Control Plan for Salinity*.

At no time or place shall the temperature of COLD or WARM intrastate waters be increased more than 5°F above natural receiving water temperature.

Temperature changes due to controllable factors shall be limited for the water bodies specified as described in the table below. To the extent of any conflict with the above, the more stringent objective applies.

In determining compliance with the water quality objectives for temperature, appropriate averaging periods may be applied provided that beneficial uses will be fully protected.

SPECIFIC TEMPERATURE OBJECTIVES

DATES

APPLICABLE WATER BODY

From 1 December to 15 March, the maximum temperature shall be 55°F.

From 16 March to 15 April, the maximum temperature shall be 60°F.

From 16 April to 15 May, the maximum temperature shall be 65°F.

From 16 May to 15 October, the maximum temperature shall be 70°F.

From 16 October to 15 November, the maximum temperature shall be 65°F.

From 16 November to 30 November, the maximum temperature shall be 60°F.

Sacramento River from its source to Box Canyon Reservoir; Sacramento River from Box Canyon Dam to Shasta Lake

The temperature in the epilimnion shall be less than or equal to 75°F or mean daily ambient air temperature, whichever is greater.

Lake Siskiyou

The temperature shall not be elevated above 56°F in the reach from Keswick Dam to Hamilton City nor above 68°F in the reach from Hamilton City to the I Street Bridge during periods when temperature increases will be detrimental to the fishery.

Sacramento River from Shasta Dam to I Street Bridge

Turbidity - For Folsom Lake and American River (Folsom Dam to Sacramento River), except for periods of storm runoff, the turbidity shall be less than or equal 10 NTUs. To the extent of any conflict with the general turbidity objective, the more stringent applies.

Water Quality Objectives from the Tulare Lake Basin Plan

Floating Material - Waters shall not contain floating material, including but not limited to solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.

Pesticides - Waters shall not contain pesticides in concentrations that adversely affect beneficial uses. There shall be no increase in pesticide concentrations in bottom sediments or aquatic life that adversely affect beneficial uses. (For the purposes of this objective, the term pesticide is defined as any substance or mixture of substances used to control objectionable insects, weeds, rodents, fungi, or other forms of plant or animal life.) The Regional Water Board will consider all material and relevant information submitted by the discharger and other interested parties and numerical criteria and guidelines for detrimental levels of chemical constituents developed by the State Water Board, the California Office of Environmental Health Hazard Assessment, the California Department of Health Services, the U.S. Food and Drug Administration, the National Academy of Sciences, the U. S. Environmental Protection Agency, and other appropriate organizations to evaluate compliance with this objective.

At a minimum, waters designated MUN shall not contain concentrations of pesticide constituents in excess of the maximum contaminant levels (MCLs) specified in Table 64444-A (Organic Chemicals) of Section 64444 of Title 22 of the California Code of Regulations, which is incorporated by reference into this plan. This incorporation-by-reference is prospective, including future changes to the incorporated provisions as the changes take effect. The Regional Water Board acknowledges that specific treatment requirements are imposed by state and federal drinking water regulations on the consumption of surface waters under specific circumstances. To ensure that waters do not contain chemical constituents in concentrations that adversely affect beneficial uses, the Regional Water Board may apply limits more stringent than MCLs.

In waters designated COLD, total identifiable chlorinated hydrocarbon pesticides shall not be present at concentrations detectable within the accuracy of analytical methods prescribed in Standard Methods for the Examination of Water and Wastewater, 18th Edition, or other equivalent methods approved by the Executive Officer.

Temperature - Natural temperatures of waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses.

Temperature objectives for COLD interstate waters, WARM interstate waters, and Enclosed Bays and Estuaries are as specified in the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays of California, including any revisions.

Elevated temperature wastes shall not cause the temperature of waters designated COLD or WARM to increase by more than 5°F above natural receiving water temperature.

In determining compliance with the above limits, the Regional Water Board may prescribe appropriate averaging periods provided that beneficial uses will be fully protected.

Other Relevant Plans and Policies:

State Board Resources Resolution 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*

Plan for California's Nonpoint Source Pollution Control Program

DEFINITIONS

The following definitions apply to General Order No. and Monitoring and Reporting Programs as the related to discharges from the Irrigated Lands as described in these documents.

1. Coalition Group - Any group of Dischargers and/or organizations that form to comply with the conditions of this General Order.
2. Discharger - Owner/operator of irrigated lands or entity (public or private) that discharges waste from irrigated lands to surface waters.
3. Discharges from irrigated lands – Include, but are not limited too, discharges of tailwater, irrigation return flows, operational spills, subsurface drainage and storm water runoff from irrigated lands to waters of the State.
4. Irrigated lands – Including, but not limited too, lands where water is applied for the purpose of producing crops, including field and tree crops, commercial nurseries, nursery stock production, managed wetlands, irrigated pasture and rice production.
5. Irrigation return flow – Surface and subsurface water which leaves the field following application of irrigation water.
6. Monitoring - All types of monitoring undertaken in connection with determining water quality conditions and factors that may affect water quality conditions, including but not limited to, in-stream water quality monitoring undertaken in connection with agricultural activities, monitoring to identify short and long-term trends in water quality, active inspections of operations, management practice implementation and effectiveness monitoring.
7. Operational spill – Irrigation water that is diverted from a source such as a river, but is discharged without being delivered to or used on an individual field.
8. Receiving waters - Surface waters that received discharges from irrigated lands.
9. Requirement of applicable water quality control plans - Water quality objective, prohibition, TMDL implementation plan, or other requirement contained in water quality control plans

adopted by the Regional Board and approved according to applicable law. **Attachment A** may be revised periodically.

10. Stormwater runoff – The runoff of precipitation from an agricultural field (i.e. row crops, vineyards, dry farming, irrigated pasture).
11. Subsurface drainage – Water generated by installing drainage systems to lower the water table below irrigated lands. This drainage can be generated by subsurface drainage systems, deep open drainage ditches or drainage wells.
12. Tailwater – The runoff of irrigation water from the lower end of an irrigated field.
13. Waste – As defined in California Water Code §13050. Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers or whatever nature prior to, and for the purposes of, disposal. Waste specifically regulated by the Waiver includes: earthen materials, including soil, silt, sand, clay, rock; inorganic materials (such as metals, salts, boron, selenium, potassium, nitrogen, etc.); organic materials, such as pesticides that enter or threaten to enter into waters of the state. Examples of waste not specifically regulated under this Waiver include hazardous and human wastes.
14. Waters of the state – As defined in California Water Code section 13050. Any surface water or groundwater, including saline waters, within the boundaries of the state. This Resolution and Waiver regulate discharges from irrigated lands to surface waters.

All other terms shall have the same definitions as prescribed by the Porter-Cologne Water Quality Control Act (California Water Code Division 7), unless specified otherwise.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

**NOTICE OF INTENT
TO COMPLY WITH**

ORDER NO. R5-

**GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES FROM IRRIGATED LANDS**

1. DISCHARGER INFORMATION

Discharger Name ¹ :				
Facility Name ² :				
Physical Address:				
City/Locale:	County:	State:	Zip:	
Mailing Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:
Assessor's Parcel #:		Closest Downstream Surface Water:		
Township/Range/Section: T ____ R ____ S ____ B&M				

¹ Owner and/or Operator

² Facilities include lands where water is applied for the purpose of producing crops and includes commercial nurseries, nursery stock production, managed wetlands, irrigated pasture and rice production. Or water Districts, Irrigation Districts or Reclamation Districts.

2. TYPE OF DISCHARGE

☐ Farm No. of Acres: _____

☐ Organic Farm No. of Acres: _____

☐ Nursery No. of Acres: _____

☐ Irrigated Pasture No. of Acres: _____

☐ Stormwater Discharge Only No. of Acres: _____

☐ Water District ☐ Drainage District

☐ Irrigation District ☐ Reclamation District

☐ Reclamation District ☐ Other: Please Describe: _____

ATTACHMENT B
NOTICE OF INTENT
GENERAL WASTE DISCHARGE
REQUIREMENTS ORDER NO. R5-
FOR DISCHARGES FROM IRRIGATED LANDS

3. REASON(S) FOR FILING

<input type="checkbox"/> New Discharge	<input type="checkbox"/> Changes in Ownership/Operator
<input type="checkbox"/> Existing Discharge	<input type="checkbox"/> Termination of coverage by Waiver or WDRs
<input type="checkbox"/> Expansion	<input type="checkbox"/> Other:

4. FACILITY INFORMATION

Type of Irrigated Land	
<input type="checkbox"/> Row Crops	<input type="checkbox"/> Operational Spills
<input type="checkbox"/> Orchard	<input type="checkbox"/> Drainage from Irrigated Lands
<input type="checkbox"/> Irrigated Pasture	
<input type="checkbox"/> Managed Wetland	
<input type="checkbox"/> Nursery	
<input type="checkbox"/> Other (please describe):	
Source Water Supply:	Estimated Water Usage: Average: _____ Maximum: _____
Other Information:	

5. ADDITIONAL INFORMATION

Please attach the following information to this NOI:

1. If previously covered under the Individual Waiver (Resolution No. R5-2003-0105) please provide a copy of the Notice of Applicability issued by the Executive Officer.
2. A site map, which shows the boundaries of the Discharger's farm/facility and identifies surface watercourses within 1000 feet of the farm. Maps shall include points of discharge (surface or subsurface discharges).
3. Crops commonly grown.
4. Chemicals (pesticides, fertilizers, etc.) commonly applied in a manner that may result in the material coming in contact with irrigation water or storm water.
5. Identification of water bodies receiving the discharge(s).
6. Description of any subsurface drainage collection system.

Use the space below, or attach additional sheets, to explain any response that needs clarification.

--

ATTACHMENT B
NOTICE OF INTENT
GENERAL WASTE DISCHARGE
REQUIREMENTS ORDER NO. R5-
FOR DISCHARGES FROM IRRIGATED LANDS

6. MONITORING AND REPORTING PROGRAM

☐ Will participate in an individual monitoring and reporting program as required by the General Order or otherwise directed by the Executive Officer.

☐ Will participate in an approved Coalition Group MRP. Please provide the Coalition Group that you are participating in and participation documentation (i.e. fee invoice, Coalition Group letter, etc.):

7. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name: _____ Title: _____

Signature: _____ Date: _____

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

GENERAL WASTE DISCHARGE REQUIREMENT
ORDER NO.

FOR DISCHARGE FROM IRRIGATED LANDS

FARM WATER QUALITY PLAN

The purpose of this plan is to identify and evaluate at a farm level the types of waste discharged and impacts to water quality, identify management practices that can reduce or eliminate waste discharges from the operation and provide a schedule for implementation these practices, and identify how the Discharger will evaluate and document the effectiveness of his/her implementation efforts. At a minimum, the following items shall be included in the Farm Water Quality Plan.

1. Number of acres, Assessor Parcel Number(s), Section, Township and Range.
2. Farm Map(s). The base for the farm map(s) can be taken from maps such as those submitted to the Agricultural Commissioner for pesticide use applications, topographic maps, aerial photographs, soil survey maps, county assessor maps, and/or Geographic Information Systems (GIS) technologies. At a minimum, the farm map should present the following elements:
 - a. Location of all on farm and downstream surface water bodies such as canals (natural and constructed), creeks, and rivers within 1000 feet of the farm boundary.
 - b. Surface water discharge location(s).
 - c. The location of domestic or agricultural supply wells;
 - d. Crop type(s);
 - e. A schematic of the irrigation distribution system and tailwater/stormwater management systems (pipelines, pumps, flow direction, tailwater ponds, ditches, and return lines);
 - f. Stormwater flow pattern(s); and
3. Description of the crop production operation including estimated acreage for each crop type.
4. Chemical inputs (pesticides, fertilizers, etc.) for each crop, including application rates, application timing, acres treated, and application methods (e.g., aerial, airblast, chemigation, etc.).
5. Written assessment of impacts to water quality from farming operations. Waste constituents associated with discharges from irrigated lands that can impair water quality include: sediment, nutrients, pesticides, salinity, trace elements, pathogens and temperature.
6. Description of management practices that are currently in place.
7. Description of management goals and identification of practices to be implemented, including a schedule for implementation, if further action is deemed necessary based upon the water quality assessment.

8. Description of evaluation techniques performed to determine whether the implemented practices are protecting water quality.
9. Other information as required by the Executive Officer (e.g., management plans).

MMW: 3/4/2004

SAMPLE
DOCUMENT

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

**NOTICE OF TERMINATION
TO COMPLY WITH**

ORDER NO. R5-

**GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES FROM IRRIGATED LANDS**

This document is only to be used for Dischargers that are enrolled under General Waste Discharge Requirement Order No. and have been issued a Notice of Applicability (NOA) by the Executive Officer. Submission of this Notice of Termination constitutes official notification to the Regional Board that the Discharger identified below elects not be covered under General Order No. ,Waste Discharge Requirements for Discharges from Irrigated Lands

1. DISCHARGER INFORMATION

Discharger Name:				
Facility Name: ²				
Physical Address:				
City/Locale:	County:	State:	Zip:	
Mailing Address:				
City/Locale:	County:	State:	Zip:	Telephone Number:

² Facilities include lands where water is applied for the purpose of producing crops and includes commercial nurseries, nursery stock production, managed wetlands, irrigated pasture and rice production.

2. LOCATION OF FACILITY

Assessor's Parcel #:	Closest Surface Water: (e.g. Sacramento River)
Township/Range/Section:	
T ____ R ____ S ____ B&M	

3. REASON FOR TERMINATION

<input type="checkbox"/> Farm no longer discharging in a manner which is subject to the General Order <input type="checkbox"/> Change of Ownership <input type="checkbox"/> Closed Farm	<input type="checkbox"/> Other: Provide Comments
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ATTACHMENT D
NOTICE OF TERMINATION
ORDER NO. R5-
GENERAL WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM IRRIGATED LANDS

-2-

4. CERTIFICATION

I certify under penalty of law that (1) I am not required to be covered under the General Waste Discharge Requirements Order No., for Dischargers from Irrigated Lands, and (2) this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I also understand that submittal of this Notice of Termination does not release a facility from liability for any violations of the General Order.

Print Name: _____ Title: _____

Signature: _____ Date: _____

MMW: 11/05/03

SAMPLE
DOCUMENT

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM
ORDER NO.
FOR
INDIVIDUAL DISCHARGERS
UNDER
GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES FROM IRRIGATED LANDS

As required by the General Waste Discharge Requirements Order for Discharges from Irrigated Lands, Order No. (General Order), Individual Dischargers shall develop and implement a Specific Monitoring and Reporting Program (MRP) to assess the impacts of waste in discharges from irrigated lands, and where necessary, to track progress of existing or new management practices implemented to improve the impact of these discharges on water quality and/or to protect waters of the state and its beneficial uses.

The Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) adopts this MRP pursuant to Water Code Section 13267. The reports required by this MRP are required to evaluate impacts of discharges of waste to waters of the state and to determine compliance with the terms and conditions of the General Order. The Regional Board Executive Officer may revise the MRP as appropriate. Dischargers shall comply with the MRP as revised by the Executive Officer.

The purpose of this Monitoring and Reporting Program (MRP) is to describe the conditions or requirements that must be addressed in an acceptable Specific MRP. The purpose of the Specific MRP shall be to monitor the discharge of waste in irrigation return flows and stormwater from irrigated lands that are enrolled under the General Order for individual Dischargers. Dischargers shall prepare and submit to the Regional Board for review and approval by the Executive Officer a Specific MRP that meets the minimum conditions of the MRP and includes site(s) to be monitored, frequency of monitoring, parameters to be monitored, and documentation of monitoring protocols. The Executive Officer will review the Specific MRP to determine if it meets or exceeds the minimum requirements of this MRP. The submittal of the Specific MRP is a requirement under the General Order.

The development of a science-based water quality monitoring program is critical for determining actual and potential impacts of discharges of waste from irrigated lands on beneficial uses of surface water (waters of the state) in the Central Valley Region. Determining the existing ecological conditions of agricultural dominated water bodies in the Central Valley Region is a critical goal of a water quality monitoring program and should be achieved by multiple assessment tools such as toxicity, chemical monitoring and bioassessments as necessary.¹

¹ Letter to Art Baggett and Thomas Pinkos from Don Gordon, Agricultural Council of California, August 5, 2002.

I. MONITORING AND REPORTING PROGRAM REQUIREMENTS

The Specific MRP shall be designed to achieve the following objectives as a condition of the General Order:

- a. Assess the impacts of waste discharges from irrigated lands to surface water;
- b. Determine the degree of implementation of management practices to reduce discharge of specific wastes that impact water quality;
- c. Determine the effectiveness of management practices and strategies to reduce discharges of wastes that impact water quality;
- d. Determine concentration and load of waste in these discharges to surface waters; and
- e. Evaluate compliance with existing narrative and numeric water quality objectives to determine if additional implementation of management practices are necessary to improve and/or protect water quality.

1. Types of Monitoring and Evaluation

To achieve the objectives of the MRP, at a minimum, the Discharger shall discuss in the Specific MRP, farm specific monitoring and evaluation program, which includes the following:

- a. Water Quality (constituents listed in Table 1) and Flow Monitoring;
- b. Pesticide Use Evaluation; and
- c. Evaluation of the effectiveness of management practices.

Water Quality and Flow Monitoring

Monitoring used to assess the wastes and loads in discharges from irrigated lands to surface waters, and to evaluate performance of management practice implementation efforts. See Table 1 for the list of constituents.

Pesticide Use Evaluation

The Specific MRP shall identify all pesticides use on the Farm and propose an evaluation of which pesticides should be monitored during the term of the General Order. The Specific MRP Section on Pesticide Use Evaluation shall address the timing of pesticide applications, the application rates, the amounts of pesticide applied, and the points of application (all of these factors can be referred to as "use pattern"). The Specific MRP Plan may use pesticide use reports submitted by the applicators to the County Agricultural Commissioners and Department of Pesticide Regulations (DPR) as part of the Pesticide Use Evaluation.

Management Practice Effectiveness and Implementation Tracking

Information must be collected on the type of management practices that are being used, and how effective they are in protecting surface waters. Data should be collected in four broad areas; 1) pesticide mixing and loading, and application practices, 2) pest management practices, 3) management practices to address other wastes (salt, sediment, nitrogen, etc.), and 4) cultural practices. This information should be used to compare the effectiveness of management practices in reducing loading of one or more wastes that have been identified to impact surface waters.

2. Minimum Requirements

The following table lists the parameters^a to be monitored by the individual Discharger in the Specific MRP.

Table 1. Constituents to be monitored

Constituent	Quantitation Limit	Reporting Unit	Sampling Frequency	Required Parameter
Flow	N/A	CFS (Ft ³ /Sec)	Storm/In season	Yes (see below)
pH	N/A	pH	Storm/In season	Yes
Electrical Conductivity	N/A	µmhos/cm	Storm/In season	Yes
Dissolved Oxygen	N/A	mg O ₂ /L	Storm/In season	Yes
Temperature	N/A	Degrees Celsius	Storm/In season	Yes
Turbidity	N/A	NTUs	Storm/In season	Yes
Total Dissolve Solids	N/A	mg/L	Storm/In season	Yes
Total Organic Carbon	N/A	mg/L	Storm/In season	Yes
Nitrate	a	mg/L	Storm/In season	Yes
Phosphorus (Ortho)	a	ug/L	Storm/In season	Yes
Ammonia	a	ug/L	Storm/In season	Yes
Pesticides				
Carbamates	a	ug/L	Storm/In season	If used
Organophosphorus	a	ug/L	Storm/In season	If used
Pyrethroids	a	ug/L	Storm/In season	If used
Organochlorine	a	ug/L	Storm/In season	
Herbicides	a	ug/L	Storm/In season	If used
Metals				
Cadmium	a	ug/L	Storm/In season	If used
Copper	a	ug/L	Storm/In season	If used
Lead	a	ug/L	Storm/In season	If used
Nickel	a	ug/L	Storm/In season	If used
Zinc	a	ug/L	Storm/In season	If used
Boron	a	ug/L	Storm/In season	

^a Only parameters used on the farm should be analyzed unless otherwise noted. Use may be indirect as inert ingredient in farm chemicals. The required detection limits are available from the Regional Board upon written request.

Parameters to be monitored include chemicals that are added to agricultural lands (e.g., pesticides, herbicides) to enhance crop production, constituents that are formed as a result of agricultural land use practices such as total dissolved solids (TDS), total organic carbon (TOC), other constituents that may be leached from the land and monitoring the effective of management practices in the farm..

Method detection limits and practical quantitation limits shall be reported. All peaks detected on chromatograms shall be reported, including those, which cannot be, quantified and/or specifically identified. The Discharger shall use US EPA approved methods, provided the method can achieve method detection limits equal to or lower than analytical methods quantitation limits specified in this Order.

At a minimum, the Specific MRP must include (1) all chemicals used on the farm; (2) sufficient monitoring sites based on acreage, flow monitoring, and frequency of sample collection to allow for calculation of load discharged for waste parameters monitored; and (3) measurements of water quality parameters such as temperature, electrical conductivity, pH, and dissolved oxygen. Proper sampling techniques must be used to ensure a sample is representative of the flow in the cross section.

Discharger Specific Requirements

Discharger specific studies are needed to characterize the beneficial use impairments of the receiving water bodies due to agricultural runoff. For each group of pesticides listed in Table 1, the Specific MRP shall include all of the individual pesticides if they are used by the Discharger. **The Specific MRP does not need to include individual pesticides if they are not used by the Discharger.**

All pesticides monitored must be reported by the laboratory at a quantitation limit at least less than ten times the LC 50. The quantitation limits reported by the laboratory must be supported by the detection limit study (performed and provided by the laboratory).

All sampling methods shall have documented protocols. The Specific MRP must include all field and laboratory procedures as stated in the MRP.

3. Flow Monitoring

Representative flow measurements shall be obtained at each sample location during each sampling event. Additionally, the presence or absence of flow at each sample site shall be noted on a daily basis during the irrigation season. The Specific MRP shall record the time, date, and location of each flow measurement

or observation (absences) on field data sheets. Discharge flow monitoring shall be conducted and shall be reported in cubic feet per second (CFS).

4. Monitoring Seasons

Monitoring required in Section 1 “Monitoring Types” shall be conducted during the irrigation season and storm season. In general, the irrigation season is March through August, but may start as early as February and extend to October. The storm season is December through February, but may include November and March. The Specific MRP shall describe the irrigation and storm seasons and include a specific irrigation and storm season monitoring periods for the region and when peak irrigation and storm discharges occur.

5. Monitoring Schedule

The Specific MRP shall be carried out using a systematic schedule. The Specific MRP should indicate the start date, identify time of the year, identify when field studies will take place, define the frequency of sampling, and indicate when the field studies end. Timing, duration, and frequency of sampling should be based on the complexity, hydrology, and size of the farm and its discharge points. The Specific MRP must include a sufficient number of monitoring sites and surface water flow monitoring for each location to allow calculation of the load discharged for appropriate parameters to achieve the objective identified in Section I. MONITORING AND REPORTING PROGRAM REQUIREMENTS.

At a minimum, the above referenced monitoring types shall be conducted during and after one storm event, and quarterly sampling during the peak irrigation season to determine the concentration and loads of wastes discharged from irrigated lands.

6. Monitoring Sites

The Specific MRP shall describe the farm area as it relates to discharge points, sampling location(s), GPS coordinates, land use, the chemicals being used and the existing management practices. A map showing the monitoring sites shall be provided with the Specific MRP.

II. QUALITY ASSURANCE PROJECT PLAN (QAPP)

To create a sound and consistent Specific MRP, it is important to develop monitoring protocols and a monitoring plan for the evaluation of water quality data. A QAPP must be developed by the Discharger to include quality assurance components of the monitoring program. A QAPP must be submitted for the Specific MRP to be complete.

III. REPORTING REQUIREMENTS

Pursuant to California Water Code (CWC) Section 13267, the an annual report shall be submitted to the Regional Board and shall include the following:

A. Specific Farm MRP **Due: 90 days from receipt of NOA**

The Discharger shall submit the following information as part of the Specific Farm MRP.

1. Summary of the water quality historical data for the farm;
2. Monitoring site(s);
3. Land Use description;
4. Monitoring periods and start date of monitoring program;
5. Monitoring parameters, including minimum and site specific;
6. A QAPP consistent with the requirements described in **Attachment A**;
7. Documentation of monitoring protocols including sample collection methods and laboratory quality assurance manual;
8. Management Practice monitoring elements to determine if meeting the General Order Requirements.

B. Annual Monitoring Report **Due: Annually, 1 March**

The Annual Monitoring Report (AMR) shall be prepared after field monitoring events have been completed and includes a review of the monitoring program including the results of the data collected and data evaluation. The AMR shall include the following components:

1. A title page;
2. Table of contents;
3. Description of the farm;
4. Monitoring objectives;
5. Sampling site descriptions;
6. Location map of sampling sites and land use;
7. Tabulated results of analyses;
8. Sampling and analytical methods used
9. Copies of chain of custody forms;
10. Associated laboratory and field quality control samples results;
11. Summary of precision and accuracy results;
12. Pesticide Use Report(s)
13. Data interpretation including assessment of data quality objectives;
14. Summary of management practices used on the farm;
15. Actions taken to address water quality impacts identified, including but not limited to, revised or additional management practices to be implemented;
16. Conclusions and recommendations.

MONITORING AND REPORTING PROGRAM
ORDER NO.
FOR INDIVIDUAL DISCHARGERS
UNDER GENERAL WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES FROM IRRIGATED LANDS

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Copies of all field documentation and laboratory original data must be included in the annual monitoring report as attachments. The AMR should also provide a perspective of the field conditions including a description of the weather, rainfall, temperature, stream flow, color of the water, odor, and other relevant information that can help in data interpretation.

In reporting monitoring data, the Discharger shall arrange the data in tabular form so that the required information is readily discernible. The data shall be summarized in such a manner to clearly illustrate compliance with the conditions of the General Order.

A transmittal letter shall accompany each report. This letter shall include a discussion of any issues or data that indicates the discharge(s) is not in compliance with the terms and conditions of the General Order found during the reporting period, and actions taken or planned for correcting water quality impairments, such as operational, field or facility modifications. The transmittal letter shall be signed and contain a penalty of perjury statement by the Discharger. This statement shall state:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The Regional Board can request the Discharger to take additional actions if monitoring data indicates the water quality objectives are exceeded in surface waters.

The Discharger shall implement the above monitoring program as of the date of this Order.

Ordered by: _____
THOMAS R. PINKOS, Executive Officer

(Date)